

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of BRANDON ZIMBICKI and  
ROBERT ZIMBICKI, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ALAN TACKETT,

Respondent-Appellant,

and

SHARI ZIMBICKI and GARY WIEGAND,

Respondents.

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UNPUBLISHED  
November 15, 2005

No. 260720  
Calhoun Circuit Court  
Family Division  
LC No. 03-001184-NA

Before: Murphy, P.J., and Sawyer and Meter, JJ.

MEMORANDUM.

Respondent-appellant, the father of Robert Zimbicki, appeals as of right the trial court's order terminating his parental rights to the child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(A) and (E).

In April 2003, petitioner filed a petition seeking temporary custody of Robert and his brother Brandon, alleging that the children's mother had failed to properly care for and protect the children. The mother accused respondent-appellant of subjecting her to domestic violence, smoking marijuana, and using cocaine. Respondent-appellant did not appear at the adjudication, but the mother admitted the allegations in the petition, including those concerning respondent-appellant, and the court concluded that the admissions established its jurisdiction over both children. Petitioner filed a permanent custody petition in November 2004, alleging that respondent-appellant had failed to comply with his parent-agency agreement and seeking termination of respondent-appellant's parental rights under §§ 19b(3)(c)(i), (g), and (j).

The evidence at trial showed that respondent-appellant failed to substantially comply with his parent-agency agreement: he submitted only nine of sixty-nine requested and required

drug screens, he failed to complete counseling to address domestic violence issues, he failed to complete parenting classes, his scheduled visits with the child were often missed, and he failed to maintain contact with the caseworker or provide requested medical releases relative to claimed injuries and illnesses that supposedly prevented him from complying with the parent-agency agreement. In light of this evidence and the overall record, which included evidence of domestic violence, alcohol use and driving, and bench warrants issued for respondent-appellant's arrest, the trial court did not clearly err in terminating respondent-appellant's parental rights to Robert pursuant to §§19b(3)(c)(i), (g), and (j). MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Testimony from the children's counselor that it was detrimental to Robert's well-being to be separated from his brother and evidence that Robert seemed ambivalent about his relationship with respondent-appellant supported the court's finding that termination of respondent-appellant's parental rights was not contrary to Robert's best interests. MCL 712A.19b(5). Thus, the trial court did not clearly err in terminating respondent-appellant's parental rights to Robert.

Affirmed.

/s/ William B. Murphy  
/s/ David H. Sawyer  
/s/ Patrick M. Meter